

12–31–08 Vol. 73 No. 251 Wednesday Dec. 31, 2008

Pages 80289-80700



The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the Federal Register shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** www.gpoaccess.gov/nara, available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at gpoaccess@gpo.gov. The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the Federal Register paper edition is \$749 plus postage, or \$808, plus postage, for a combined Federal Register, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the Federal Register including the Federal Register Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily Federal Register, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 73 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202–512–1800
Assistance with public subscriptions 202–512–1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche
Assistance with public single copies
202–512–1800
1–866–512–1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Paper or fiche 202–741–6005 Assistance with Federal agency subscriptions 202–741–6005

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

- 1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
- 2. The relationship between the Federal Register and Code of Federal Regulations.
- 3. The important elements of typical Federal Register documents
- 4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, January 27, 2009

9:00 a.m.-12:30 p.m.

WHERE: Office of the Federal Register

Conference Room, Suite 700 800 North Capitol Street, NW. Washington, DC 20002

RESERVATIONS: (202) 741-6008



Contents

Federal Register

Vol. 73, No. 251

Wednesday, December 31, 2008

Agency for Healthcare Research and Quality NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 80410–80412

Agriculture Department

See Cooperative State Research, Education, and Extension Service

See Federal Crop Insurance Corporation

See Forest Service

See Natural Resources Conservation Service

Air Force Department

NOTICES

Privacy Act; Systems of Records, 80372-80379

Alcohol, Tobacco, Firearms, and Explosives Bureau NOTICES

Commerce in Explosives; List of Explosive Materials, 80428–80430

Antitrust Division

NOTICES

National Cooperative Research and Production Act Notifications:

Cooperative Research Group on Development and Evaluation of Gas Chromatograph Testing Protocol, 80430

Network Centric Operations Industry Consortium, Inc., 80430

Open DeviceNet Vendor Association, Inc., 80430 Open SystemC Initiative, 80431

Petroleum Environmental Research Forum, 80431

Centers for Disease Control and Prevention NOTICES

Board of Scientific Counselors, National Center for Injury Prevention and Control; Charter Amendment, 80412

Centers for Medicare & Medicaid Services

RULES

Medicare Program:

Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2009, etc.; Corrections, 80302–80305

NOTICES

Privacy Act; Systems of Records, 80412-80417

Coast Guard

RULES

Drawbridge Operation Regulations:

Curtis Creek in Baltimore MD, Maintenance, 80299 Raritan River, Arthur Kill, and their tributaries, NJ, 80298–80299

Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil, 80618–80654

NOTICES

Meetings:

Delaware River and Bay Oil Spill Advisory Committee, 80418–80419

Houston / Galveston Navigation Safety Advisory Committee, 80419–80420

Commerce Department

See Foreign-Trade Zones Board

See International Trade Administration

See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission NOTICES

Request to exempt certain over-the-counter swaps from certain of the requirements imposed by Commission Regulation 35.2; Reopening of comment period, 80367–80368

Cooperative State Research, Education, and Extension Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 80361–80362

Defense Department

See Air Force Department See Navy Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 80368–80369 Announcement of Federal Funding Opportunity, 80369–

Drug Enforcement Administration

NOTICES

Applications:

80371

Norac Inc., 80431

Importer of Controlled Substances Application, 80431–80432

Importer of Controlled Substances Registration, 80432

Education Department

PROPOSED RULES

Establishment of Negotiated Rulemaking Committees, 80314-80317

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 80382–80383

Energy Department

See Federal Energy Regulatory Commission

Environmental Protection Agency RULES

Clean Air Act Prevention of Significant Deterioration (PSD) Construction Permit Program:

Interpretation of Regulations That Determine Pollutants Covered by the Federal PSD Permit Program, 80300– 80301

Tolerance Actions:

 4-D, Bensulide, Chlorpyrifos, DCPA, Desmedipham, Dimethoate, Fenamiphos, Metolachlor, Phorate, Sethoxydim, Terbufos, etc.; Technical Amendment, 80301–80302

PROPOSED RULES

Proposed Tolerance Actions:

Azinphos-methyl, Disulfoton, Esfenvalerate, Ethylene Oxide, Fenvalerate, et al., 80317–80332

NOTICES

Availability of Preliminary Residual Designation of Certain Storm Water Discharges in State of Maine, 80388-

Filing of Pesticide Petition on Food Contact Surfaces, 80389-80390

Meetings:

Farm, Ranch, and Rural Communities Committee, 80390 Receipt of Request to Voluntarily Cancel Pesticide Registrations:

Fomesafen, 80390-80392

Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and the Stratospheric Ozone Protection **Program**

Posting to the Applicability Determination Index (ADI) Database System of Agency Applicability Determinations, etc., 80392-80407

Executive Office of the President

See Presidential Documents

See Trade Representative, Office of United States

Federal Aviation Administration

RULES

Airworthiness Directives:

CFM International, S. A. CFM56 5B Series Turbofan Engines, 80296-80297

Federal Communications Commission

RULES

Television Broadcasting Services: Columbus, GA, 80305

Augusta, GA, 80305-80306

PROPOSED RULES

Implementation of Short-term Analog Flash and Emergency Readiness Act:

Establishment of DTV Transition "Analog Nightlight" Program, 80332-80349

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 80407–80408

Federal Crop Insurance Corporation

RULES

Common Crop Insurance Regulations, Coverage Enhancement Option Provisions; Corrections, 80295

Federal Energy Regulatory Commission

NOTICES

Applications:

Richard Moss, 80383-80384

Combined Notice of Filings, 80384-80386 Filings:

Southwestern Power Administration, 80386-80387 Public Notice:

Records Governing Off-the Record Communications, 80387

Request Under Blanket Authorization: Crossroads Pipeline Co., 80387-80388

Federal Maritime Commission

NOTICES

Ocean Transportation Intermediary License Applicants, 80408-80409

Federal Railroad Administration

PROPOSED RULES

Qualification and Certification of Locomotive Engineers; Miscellaneous Revisions, 80349–80360

NOTICES

Application for Approval of Discontinuance of Modification of a Railroad Signal System or Relief from the Requirements, 80509

Petition for Waiver of Compliance: Suffolk, VA, 80509-80510

Federal Trade Commission

NOTICES

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules, 80409-80410

Fish and Wildlife Service

NOTICES

Endangered and Threatened Species Permit Applications, 80420-80421

Final Comprehensive Conservation Plan and Finding of No Significant Impact:

Mattamuskeet National Wildlife Refuge, Hyde County, NC, 80421-80423

Foreign Assets Control Office

NOTICES

Additional Designation of Entities Pursuant to Executive Order 13382, 80513-80514

Foreign-Trade Zones Board

NOTICES

Grant of Authority for Subzone Status:

Haliburton Energy Services, Inc. (Barite Milling), New Orleans, LA, 80363

Grants of Authority for Subzone Status:

Haliburton Energy Services, Inc. (Barite Milling), Westlake, LA, 80363-80364

Hawker Beechcraft Corp. (Aircraft Manufacturing), Wichita and Salina, KS, 80364

Forest Service

RULES

National Forest System Land Management Planning; Correction, 80299-80300

Health and Human Services Department

See Agency for Healthcare Research and Quality See Centers for Disease Control and Prevention See Centers for Medicare & Medicaid Services See National Institutes of Health

Homeland Security Department

See Coast Guard

See U.S. Citizenship and Immigration Services

Housing and Urban Development Department RULES

Standards for Mortgagor's Investment in Mortgaged Property:

Compliance with Court Order Vacating Final Rule, 80297-80298

NOTICES

Federal Property Suitable as Facilities to Assist the Homeless, 80420

Interior Department

See Fish and Wildlife Service

See Land Management Bureau See National Park Service

International Trade Administration

NOTICES

Antidumping:

Certain Cased Pencils from the People's Republic of China, 80364–80365

Certain Pasta from Italy, 80365

Circular Welded Non Ålloy Steel Pipe from the Republic of Korea, 80365–80366

Lined Paper Products from China, 80366-80367

International Trade Commission

NOTICES

Investigation:

Certain Ground Fault Circuit Interrupters and Products Containing Same, 80426–80427

Justice Department

See Alcohol, Tobacco, Firearms, and Explosives Bureau See Antitrust Division

See Drug Enforcement Administration

NOTICES

Stipulated Orders:

Commonwealth Utilities Corporation and the Commonwealth of the Northern Mariana Islands, 80427

Labor Department

See Mine Safety and Health Administration NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 80432–80433

Land Management Bureau

NOTICES

Alaska Native Claims Selections, 80423 Proposed Reinstatement of Terminated Oil and Gas Leases (OKNM 117608 and OKNM 117609), 80423

Maritime Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 80510

Mine Safety and Health Administration RULES

Flame-Resistant Conveyor Belt, Fire Prevention and Detection, and Use of Air from the Belt Entry, 80580– 80616

Refuge Alternatives for Underground Coal Mines, 80656– 80700

NOTICES

Petitions for Modification of Existing Mandatory Safety Standards, 80433–80436

National Archives and Records Administration NOTICES

Records Schedules; Availability and Request for Comments, 80436–80437

National Institutes of Health

NOTICES

Meetings:

Center for Scientific Review, 80417–80418 Eunice Kennedy Shriver National Institue of Child Health and Human Development, 80418 National Library of Medicine, 80418

National Oceanic and Atmospheric Administration

Fisheries of the Exclusive Economic Zone Off Alaska: Revised Management Authority for Dark Rockfish in the Bering Sea and Aleutian Islands Management Area and the Gulf of Alaska, 80307–80312

Fisheries of the Northeastern United States:

Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels, 80306– 80307

PROPOSED RULES

Magnuson-Stevens Act Provisions:

Fisheries off West Coast States; Pacific Coast Groundfish Fishery; 2009-2010 Biennial Specifications and Management Measures, 80516–80577

NOTICES

Marine Mammals:

Issuance of Permit Amendment, 80367 Meetings:

North Pacific Fishery Management Council, 80367

National Park Service

NOTICES

Meetings:

Native American Graves Protection and Repatriation Review Committee, 80423–80424

National Register of Historic Places:

Notification of Pending Nominations and Related Actions, 80425–80426

Weekly Listing of Historic Properties, 80424-80425

Natural Resources Conservation Service NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 80362–80363

Navy Department

NOTICES

Privacy Act; Systems of Records, 80379–80382

Nuclear Regulatory Commission NOTICES

Consideration of Issuance of Amendment to Facility Operating License:

STP Nuclear Operating Co., 80437–80440

Environmental Impact Statements; Availability, etc.: Indian Point Nuclear Generating Unit Nos. 2 and 3, Buchanan, NY; License Renewal and Public Meeting,

Omaha Public Power District, Fort Calhoun Station Unit No. 1, Washington County, NE, 80441–80442

Office of United States Trade Representative

See Trade Representative, Office of United States

Personnel Management Office

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 80445–80447

Presidential Documents

PROCLAMATIONS

Trade:

Oman Free Trade Agreement; implementation (Proc. 8332), 80289–80291

ADMINISTRATIVE ORDERS

Democratic Republic of Congo, Rwanda, and Uganda; unexpected urgent humanitarian needs (Presidential Determination)

No. 2009-9 of December 18, 2008, 80293

Securities and Exchange Commission PROPOSED RULES

Records Services, Fee Schedule, 80313–80314

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 80447–80450

Application and Temporary Order:

Citigroup Global Markets Inc., et al., 80450–80452 UBS Securities LLC, et al., 80452–80454

Applications:

AdvisorShares Investments, LLC and AdvisorShares Trust, 80454–80457

Grail Advisors, LLC and Grail Advisors' Alpha ETF Trust, 80457–80464

Sun Life Assurance Company of Canada (U.S.), et al., 80464–80468

Self-Regulatory Organizations; Proposed Rule Changes: Boston Stock Exchange, Inc., 80468–80481

Depository Trust Co., 80481–80482

Financial Industry Regulatory Authority, Inc., 80482–80483

International Securities Exchange, LLC, 80484–80485 NASDAQ Stock Market LLC, 80485–80488 New York Stock Exchange LLC, 80488–80494 NYSE Alternext US LLC, 80494–80504

NYSE Arca, Inc., 80504-80505

Social Security Administration NOTICES

Agreement on Social Security Between the United States and the Czech Republic; Entry Into Force, 80505–80506 Rate for Assessment on Direct Payment Fees to Representatives (2009), 80506

State Department

NOTICES

List of Participating Countries and Entities Under the Clean Diamond Trade Act of 2003 and Section 2 of Executive Order (13312), 80506–80507

Surface Transportation Board NOTICES

Abandonment Exemption:

CSX Transportation, Inc.; Niagara County, NY, 80510– 80511

Intra-Corporate Family Transaction Exemption: National Express Corp., 80511–80512

Lease and Operation Exemption:

U S Rail Corporation; Winamac Southern Railway Company and Kokomo Grain Co., Inc., 80512 Operation Exemption:

Morristown & Erie Railway Inc., d/b/a Stourbridge Railway; Stourbridge Railroad Co., 80512–80513

Trade Representative, Office of United States NOTICES

WTO Dispute Settlement Proceeding:

United States - Anti-Dumping Administrative Reviews and Other Measures Related to Imports of Certain Orange Juice from Brazil, 80442–80443 United States - Antidumping Measures on Polyethylene Retail Carrier Bags from Thailand, 80443–80444 WTO Dispute Settlement Proceedings Regarding United

Definitive Anti-Dumping and Countervailing Duties on Certain Products from China, 80444–80445

Transportation Department

See Federal Aviation Administration

See Federal Railroad Administration

See Maritime Administration

See Surface Transportation Board

NOTICES

Applications for Certificate Authority:

Baltia Airlines, Inc., 80507

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q), 80507–80508 Aviation Proceedings, Agreements filed, 80508–80509

Treasury Department

See Foreign Assets Control Office NOTICES

List of Countries Requiring Cooperation with an International Boycott, 80513

Meetings:

Advisory Committee on the Ten-Year Framework for Energy and Environment, 80513

U.S. Citizenship and Immigration Services NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 80420

Separate Parts In This Issue

Part II

Commerce Department, National Oceanic and Atmospheric Administration, 80516–80577

Part III

Labor Department, Mine Safety and Health Administration, 80580–80616

Part IV

Homeland Security Department, Coast Guard, 80618-80654

Part V

Labor Department, Mine Safety and Health Administration, 80656–80700

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http:// listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR	
Proclamations:	
8332	80289
Administrative Orders:	
Presidential	
Determinations: No. 2009-9 of	
December 18,	
2008	.80293
7 CFR	
457	.80295
14 CFR	
39	.80296
17 CFR	
Proposed Rules:	
200	.80313
24 CFR	
203	.80297
30 CFR	
6	.80580
7	80656
14	
18 48	
75 (2 documents)	.80580,
	80656
33 CFR	
117 (2 documents)	.80298,
155	80299
	00010
34 CFR	
Proposed Rules: Ch. VI	00214
	00314
36 CFR 219	80200
40 CFR	00200
52	
	.80300
180	
Proposed Rules:	80301
	80301
Proposed Rules: 180	80301
Proposed Rules: 180	80301 80317 80302
Proposed Rules: 180	80301 80317 80302 80302
Proposed Rules: 180	80301 80317 80302 80302 80302 80302
Proposed Rules: 180	80301 80317 80302 80302 80302 80302
Proposed Rules: 180	80301 80317 80302 80302 80302 80302 80302
Proposed Rules: 180	80301 80317 80302 80302 80302 80302 80302 80302
Proposed Rules: 180	.80301 .80317 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302
Proposed Rules: 180	.80301 .80317 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302
Proposed Rules: 180	.80301 .80317 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302
Proposed Rules: 180	.80301 .80317 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302
Proposed Rules: 180	.80301 .80317 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302
Proposed Rules: 180	.80301 .80317 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302
Proposed Rules: 180	.80301 .80317 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302
Proposed Rules: 180	.80301 .80317 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302
Proposed Rules: 180	.80301 .80317 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302
Proposed Rules: 180	.80301 .80317 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302
Proposed Rules: 180	.80301 .80317 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302 .80302